

CHURCH MAY LOSE
MRS. EDDY'S MONEY

Ex-Senator Chandler Says State
Law Prohibits Bequests of Over
\$5,000 Annually to a Church.

LEFT BODY \$2,000,000

If the Residuary Clause Is De-
clared Void Fortune Will Go to
Son and Adopted Son as Next
of Kin, Under State Law.

Concord, N. H., Jan. 12.—That the residuary clause of the will of Mrs. Mary Baker Eddy, founder of the Christian Science Church, is null and void is the opinion of former United States Senator William E. Chandler, Harris Taylor, of Washington, professor of constitutional and international law at George Washington University, and others, as given out for publication here to-night.

The residuary clause provides for a gift of about \$2,000,000 to the First Church of Christ, Scientist, of Boston, known as the "Mother Church."

A statute of New Hampshire prohibiting a bequest to a church of more than \$5,000 annually is the basis of the opinion, which was written by Professor Taylor. Referring to the residuary clause as "null and void," the opinion says:

As to the void gift, the testatrix died intestate, and its subject matter passed on her death to her next of kin under the New Hampshire statute of distribution.

In the closing paragraph the opinion advises the attorneys for the next of kin that such agreements and contracts as they made with the testatrix and her trustees in her lifetime only bind them "to recognize as valid such provisions of her last will as are legally valid."

"To that extent," continues the opinion, "you are bound and are required to join with the executors in requesting the Probate Court of New Hampshire to admit such will to probate in solemn form. In order that all its provisions may prevail so far as they are not forbidden by law. After you have so acted and performed every part of the agreement you have entered into it will remain for the courts of equity, federal or state, to construe the will in order to determine whether the residuary clause is valid or void."

Besides former Senator Chandler and Professor Taylor, the signers of the opinion are John W. Kelley, of Portsmouth, and De Witt C. Howe, of Concord, who were associated with Mr. Chandler as counsel for the "next friends," and William L. Chambers, a lawyer, of Washington.

The Trust Fund for Son.

Mr. Chandler, in his letter to Professor Taylor, reviews the facts regarding Mrs. Eddy's will and estate and the "next friends" suit, which resulted in Mrs. Eddy placing a large sum of money in trust for her son, George W. Glover, of Lead, S. D., and his children. He then tells of his signing the agreement by which the "next friends" suit was settled, and adds:

"Mr. Streeter (General Frank S. Streeter, of Concord) drew the agreement for my signature. When signing, I took it for granted that Mrs. Eddy would not, in giving away her property, undertake to violate public law. If I had thought she had already done so, by attempting to create a church with an endowment of \$2,000,000, I should not have signed."

A petition was filed late to-day in the Superior Court here by ex-Senator Chandler and other attorneys, asking the court for a construction of Mrs. Eddy's will, particularly the clause relating to the residuary estate.

The petitioners also pray for an injunction against any disposition being made of the property in question pending the construction of the residuary clause. It is understood to be the plan of the attorneys for George W. Glover and Dr. E. J. Foster Eddy, the son and foster son, respectively, of Mrs. Eddy, to try to have the question regarding the residuary legate transferred from the Superior Court to the Supreme Court for a decision. No contest in the Probate Court is expected.

Professor Taylor's Opinion.

In the opinion of Professor Taylor, which was requested in a long letter written to him by Mr. Chandler, the New Hampshire statute is quoted as follows:

"The income of any grant or donation made for or to a church shall not exceed \$5,000 a year, exclusive of the income of any personage land granted to or for the use of the ministry."

Continuing, the opinion, which is a long and elaborate one, says in part:

It is difficult to understand how any one could have imagined in such statutes that a testatrix domiciled in New Hampshire, and governed by its laws, could give by will to a single church in Massachusetts, governed by its laws, a single bequest of nearly \$2,000,000—a sum nearly twenty times as great as that permitted to a gift to any one church by the laws of New Hampshire. And that state was the domicile of the testatrix.

In the first instance, her capacity to give by will to a particular purpose. As the thought by New Hampshire positively forbids the testatrix to make, of course, void, a single church, it is of course, void, to enforce it belongs to New Hampshire alone. Moreover, if the bequest was not void for lack of power in the testatrix to make it, still it would be void by reason of the lack of power on the part of the legatee, a Massachusetts corporation, to take it. A Massachusetts statute is much more severe than that of New Hampshire. It expressly provides that "the income of the gifts, grants, bequests and devises made to or for the use of any one church shall not exceed \$5,000 a year, exclusive of the income of any personage land granted to or for the use of the ministry," while that of New Hampshire permits a gift to any one church the income of which shall not exceed \$5,000 a year.

If it be true that the testatrix had devised the law of New Hampshire by attempting to give to a single church the income of a vast sum of money, to be used for all time by it, for the purpose of more effectively promoting and extending the religion of Christian Science as taught by Mrs. Eddy, what is the legal consequence of such a violation of positive law? There is no ambiguity; the gift is to a single church for a single purpose. That Church is to maintain and extend the religion of a new and peculiar form of religious belief. There is no pretence that this endowment is to be for any other educational or educational purpose. Neither charity

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IMPORTERS OFFER \$1,000,000

One Firm Would Compromise
Customs Fraud for \$500,000.

Washington, Jan. 12.—It was learned to-day that Secretary MacVeagh has before him offers of compromise aggregating fully \$1,000,000 from New York importers of woollens, laces, millinery, silks, etc., who have been suspected of undervaluation frauds on the customs. One firm alone is said to offer a compromise of more than \$500,000.

LOST APPENDIX AT SEA

Passenger Has Stub Tied with
E String of Violin.

A musical master is not always a pleasing thing aboard ship, but the fact that Captain Agassiz, of the steamship Uranium, plays the violin is largely responsible for the saving of the life of Ignace Bernsch, a steerage passenger, twenty-four years old, who was stricken with appendicitis on the trip from Rotterdam.

The Uranium left Rotterdam on December 30, and on the morning of the new year Dr. Joseph B. Connolly, the ship's surgeon, was called to treat Bernsch. He diagnosed the case as appendicitis. Dr. Connolly cleared the cabin smoking room, had it fumigated and made of it an operating room.

Then he sent up on the bridge for Captain Agassiz and informed him that he would have to administer chloroform. He instructed the skipper in the method of giving the anesthetic, and soon had his patient under its influence. Just as he was about to cut into Bernsch's abdomen he found that his catgut had become mislaid. He could not tie the stub of the appendix without catgut, and was in despair, when the skipper remarked that he had some good strings on his violin.

The instrument was brought to the operating room and the E string was removed and sterilized. Within half an hour the operation was over and the patient was conscious and resting comfortably in a cabin stateroom. The operation was successful, and Bernsch was able to be transferred yesterday to the hospital at Ellis Island.

GAVE WIFE TO EARLY WOOER

Japanese Consents to Divorce
and Is Dying of Grief.

Vicksburg, Miss., Jan. 12.—Unusual self-sacrifice was exemplified in the State Charity Hospital here to-day, when Maud Annie Hunt, divorced wife of Mequet Inomata, a Japanese, was married to James Gibson, the lover of her girlhood days, in the presence of Inomata, who is prostrated with grief over the loss of his American wife. Miss Hunt, the daughter of a wealthy English family, quarrelled with Gibson twelve years ago, when the two were sweethearts. She came to America after her parents had objected to a stage career for her. Inomata, then a prosperous merchant in New Orleans, gave her employment, and in two years married her.

For ten years the couple lived happily, according to the statements of both. A month ago the woman and Gibson met by chance at Jackson, Miss., where Gibson is employed on a newspaper. Inomata was told of the old love affair and the parted sweethearts, and gave his consent that divorce proceedings be taken.

The Japanese expressed his conviction that his wife would be happier in the new relation. He has made a will bequeathing considerable real estate to her. The divorcee and her new husband are in constant attendance on the Oriental, who is said to be dying.

MISS MOROSINI WEDS

Quietly Married to Former
Mounted Policeman.

Miss Giulia P. Morosini, daughter of the late Giovanni P. Morosini, who made a fortune through his connections with Jay Gould, was married yesterday morning at Somerville, N. J., to Arthur M. Werner, a former mounted policeman. This civil ceremony was performed by W. R. Sutphen, a recorder.

Later a religious service was read by the Rev. Dr. Nathaniel Brooks, of Bayonne, N. J. The witnesses were Mrs. Adele Benedicks, a sister of the bridegroom, and Giovanni P. Morosini, a brother of the bride. Every effort was made to surround the wedding with secrecy.

Miss Morosini's life was saved by Mr. Werner several years ago, when he stopped a runaway team which she was driving on the Speedway. At that time he was attached to the Kingsbridge police station. Soon after the runaway Mr. Morosini offered Mr. Werner the job of managing his estate, and the offer was accepted. The bride is well known because of her skill with horses and the elaborate gowns she wears at the horse shows in Madison Square Garden.

One of her sisters, Victoria, eloped with her father's coachman twenty years ago and was married to him.

LOSES \$100,000 NECKLACE

Pearls Once Belonged to Mrs. J. M.
Taylor's Grandmother.

Philadelphia, Jan. 12.—The police were informed this afternoon of the loss of a necklace of eighty-three pearls, belonging to the wife of Dr. J. Madison Taylor, of Pine street. The necklace was lost by Mrs. Taylor on Wednesday afternoon while walking from 15th and Pine streets to 17th and Locust streets.

Although the money value of the pearls is said to be \$100,000, it is the fact of their association that most troubles Mrs. Taylor in her loss. For more than half a century they have been in her family, and were originally the property of her grandmother.

EARL OF CADOGAN MARRIES

Wealthy London Landlord Weds His
Cousin, the Countess Palagi.

London, Jan. 12.—Surprise has been caused in London by the marriage of the Earl of Cadogan to his cousin, the Countess Palagi, of Florence.

The Earl of Cadogan is one of the wealthiest of London ground landlords and a great entertainer of royalty. Three hours to the title have died during his lifetime.

FIRST PHOTOGRAPHS OF THE BATTLE IN THE HEART OF LONDON BETWEEN POLICE
AND ANARCHISTS.

Sharpshooters of the Scots Guards ready to pick off the anarchists.

DOWNTOWN BROADWAY
HAS SPECTACULAR FIRE

Thousands Stop in Brooklyn
Bridge Rush Hour to See
Blaze Near City Hall.

COOK BUILDING BURNS

Fireman Rescues Four Employees
of Tourist Agency from a
Trap on Fourth Floor
Balcony.

Twenty-five thousand people, diverted from the 4 o'clock Brooklyn Bridge rush, crowded City Hall Park last night to watch a spectacular fire in the Cook Building, at No. 245 Broadway.

The fire started shortly before 6 o'clock in a pile of paper in the cellar at the foot of an airshaft in the centre of the building. It was first observed from the outside as a red pillar of flame extending up through the six stories of the building. For several minutes it shot steadily up through the narrow chimney formed by the shaft till it struck the opening at the top.

Then it suddenly mushroomed out into a great crown of flames that rapidly seized upon the light wooden interior of the building. In a few moments the two top floors were ablaze, and the brilliant light shed thousands to forsake their homeward rush for a time to join the throngs that jammed City Hall Park from curb to curb.

As soon as Deputy Chief Blinn arrived he ordered a second alarm sent in. Chief Croker arrived a few minutes later. Shortly after the fire burst out three girls and a man were discovered trapped on the fourth floor balcony of the fire escape on the rear wing of the building. It is an "L" shaped structure, with a narrow wing at No. 2 Murray street. The main part of the fire was in the front, on the Broadway side, and the attention of the Fire Department was concentrated there.

Rescued from the Fire Escape.

A citizen called the attention of Charles H. Ziegler, of Hook and Ladder Truck 10, to the danger of the people on the fire escape. The rest of his crew were around on Broadway, and with the help of several bystanders he raised a ladder to the fire escape and went up and helped the trapped ones to safety. They were Josephine Walsh, Rose Krieger, Annie Plunkett and Arnold Carter, employed by Thomas Cook & Sons. Miss Walsh had fainted from fright, and Ziegler carried her down in his arms.

By this time the fire had gained such headway that the roof and sixth floor fell with a crash that sounded like an explosion and sent a huge cloud of sparks and cinders a hundred feet in the air, causing the crowds to fall back in alarm.

The flames thereupon burst out with renewed fury and reached to the granite cornice of the Importers and Traders' National Bank, next to the burning building, at No. 247 Broadway, at the corner of Murray street. But it is a modern fireproof structure, and was not damaged except for a scorching of the sculptured work on the outside. The Underwood Typewriter Company's building, south of the Cook building, at Nos. 241 and 243 Broadway, was seriously threatened.

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GREAT BEAR SPRING WATER.
Its purity has made it famous.—Adv.



A fireman climbing to the windows while the house was burning.

HYDE HOUSEBOAT FOUND

Believed Owner Is Aboard, De-
spite Denials at Daytona, Fla.

MAYOR SAYS HE IS ILL?

Report That Gaynor Has Ex-
pressed Doubt as to Hyde's
Return, Owing to Health.

Daytona, Fla., Jan. 12.—The houseboat Stop A White, on which Charles H. Hyde, the City Chamberlain of New York, is supposed to be in hiding, has been found grounded in the canal between this city and St. Augustine.

In answer to questions it was said Mr. Hyde had left the boat at Beaufort, N. C., but had boarded it again at Jacksonville, and then immediately gone ashore again. From the evasive way in which questions were answered and the denial of permission to visit the interior of the houseboat, it is believed Hyde is still on the boat and is keeping in close hiding.

It was given out that the passengers consist of a few women and a couple of men, but no names outside of Captain McLaughlin's were given.

According to a story current yesterday, Mayor Gaynor said that Mr. Hyde was seriously ill; so ill, in fact, that it was doubtful whether he would ever return to his office as City Chamberlain. Gail stones and symptoms of Bright's disease are Mr. Hyde's afflictions, it is said, and an operation for the former is said to be an imminent probability.

Personal friends of the long missing City Chamberlain confirmed the story so far as admissions that Mr. Hyde had been afflicted with gall stones, but no one else would say that he was more seriously ill with that disease now than he had been at any time in the last year.

The conduct of the affairs of the City Chamberlain's office, in so far as that of official acts as a trustee of court moneys, was amended yesterday by an order of the Appellate Division directing that hereafter he shall "invest all moneys paid into court by deposit with him in bonds of the United States, bonds of the State of New York or bonds of the stock of the city of New York and in no other securities."

The reported illness of the City Chamberlain has, however, strengthened the rumor that Mr. Hyde will resign his place soon and that the Mayor has Police Commissioner Crotty in mind as Hyde's successor.

The Legislature decided yesterday that the graft committee should have until January 15 to February 1 to complete its report. This shuts off further hearings.

SHEPARD MEN PIN
FAITH ON GOVERNOR

Despite Their High Hopes Dix
Is Not Acting as They
Could Desire.

MURPHY SEES GOVERNOR

Latter Says Senatorship Was
Not Mentioned—Sullivan and
Frawley Expect to Vote
for Sheehan.

[By Telegraph to The Tribune.]

Albany, Jan. 12.—Reiterating their belief that eventually Edward M. Sheehan will be the Democratic choice for United States Senator, his supporters to-night are pinning their faith to action which they hope Governor Dix will take. Solution of the senatorship problem unquestionably is up to the Governor, but a calm and dispassionate survey of the ground does not seem to show that the Shepard men, despite their high hopes, are getting that action out of the Governor which they really need.

Some of them, in fact, admit that he is not going about the matter in just the way they could wish. They are certain, though, that he wants to see Shepard elected, that he believes it to be for the good of the party as well as his own interests to have Shepard rather than a Tammany Hall man or William F. Sheehan, and that he is working in his own mysterious way to bring this about. Just what this work is, nobody here professes to say. If the Governor's attitude toward the senatorship can be indicated in any way by his attitude toward Murphy as contrasted with his attitude toward the "silk stocking Democrats," it is a sad outlook for Shepard. The morning Montgomery Hart, of the Shepard committee, waited for many a minute while C. F. Murphy and Daniel F. Cohalan, of Tammany, were closeted in the privacy of the inner room with Governor Dix.

Many Legislators for Sheehan.

Nevertheless, the fact that Governor Dix still takes some sort of an interest in the situation is regarded here as preventing the assumption that it's all over and Sheehan is as good as elected. A heavy percentage of the legislators appear to be for him—that is, they think they are, because they think Murphy is for him. And at present every indication is that Murphy is committed to Sheehan. Some of the Shepard men say Murphy will throw over Sheehan in a minute if Governor Dix makes it plain that he is absolutely and unqualifiedly opposed to the former Buffaloian. Up to date there is no record of any such declaration from Governor Dix, and as good Tammany men as the Sullivan and Jim Frawley are telling their friends they expect to vote for Sheehan.

Thomas Mott Osborne called on the Governor to-day. They talked about the problems of the new forestry and water department, which Mr. Osborne is to head. Also they talked about the Senatorship. Mr. Osborne placed the views of the "silk stocking" element of the party before the Governor in forceful fashion. Montgomery Hare had gone over somewhat the same ground earlier in the day.

Osborne Seems Cheerful.

After the interview Mr. Osborne seemed still cheerful, though he said he

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INTERBORO BROKE
SUBWAY PLEDGE,
SAYS MITCHELL

Tells Cooper Union Crowd That
Shonts Promised to Build Ex-
tensions with Morgan's Help.

WILLCOX HIS AUTHORITY

Company Was to Extend Present
System Down Seventh Avenue
and Up Madison, While City
Built on the East Side.

'WHY WAS PLEDGE BROKEN?'

Would Like the People to Know, Says
President of Aldermen—"No!"
Shouts Audience, as Timothy
Healy Asks if Gaynor, Taking
Present Stand, Would Have
Been Elected Mayor.

John Purroy Mitchell, president of the Board of Aldermen; Controller William A. Prendergast, and Timothy Healy, labor man, gave to an audience that filled Cooper Union last night their respective views on the subway question, with particular emphasis on the pre-election pledges of the present members of the Board of Estimate as compared with their standing now.

The meeting was held under the auspices of the People's Institute, with J. Aspinwall Hodge, chairman of the Forum committee of that body, acting as chairman.

Mr. Mitchell, as the first speaker of the evening, got the audience as quiet as a Quaker congregation when he said he would give a little inside history of the subway question which had never been brought out before.

"Soon after work started on the tri-borough plans," he said, "Mr. Shonts, president of the Interborough, went into conference with Mr. Willcox, chairman of the Public Service Commission. After several such conferences they agreed that—and practically there was a compact between them—the Interborough would build with its own money up Madison avenue and down Seventh avenue, and that the city would at the same time build an independent system up the East Side of the city."

"Mr. Shonts asked Mr. Willcox to come and see Mr. Morgan and talk it over again, and Mr. Willcox did."

"Mr. Morgan said in substance, 'I am convinced, and I will finance this plan, and I will let the money to the Interborough.' While that was the situation up to the spring of this year, for some reason that I don't know, and for some reason that I don't know, but which I'd like to see the people know, the directors of the Interborough repudiated this compact made by their president, Shonts."

Mitchell left that matter then, with the remark that Mr. Willcox was his authority for the statement, and that he had told all he knew about it.

Audience One With Speakers.

All three of the speakers carried the audience with them enthusiastically, and there was scarcely a ripple of the heckling attitude so often used by Cooper Union audiences to rattle speakers with whom they are not in accord.

Mr. Mitchell sketched the present status of each member of the Board of Estimate and Apportionment on the subway question, and compared that with the stand of each before election.

"A year and eight months ago," he said, "Judge Gaynor was preparing to become a candidate for Mayor. He wrote an article for a magazine."

"He's liable to write anything," came an interruption from one of the audience, and it was more than a minute before Mr. Mitchell could make himself heard to tell them that at that time the Mayor declared himself in favor of city built and city owned subways.

In introducing the first speaker, Mr. Hodge said that "it is not even a question of route, but a question of principle, a question as to whether those elected to office shall keep their pledge to the people."

Mr. Prendergast, after following portions of Mitchell's argument along different lines, went over the financial aspect of the subway question, and took issue thereby with Mayor Gaynor and the Chamber of Commerce.

Timothy Healy spoke for only a few minutes between the two city officials, and he summed up his effort with one question which the audience answered with loud and repeated shouts of "No!"

"I just want to ask you," said he, "if Mayor Gaynor had said before election what he says now about subways, would he have been elected?"

Controller Prendergast, referring to the Mayor's published objections to misleading statements on the situation, had this to say: "I know of no one who has helped to create more misunderstanding upon the subject than Mayor Gaynor himself."

Both Mitchell and Prendergast took particular pains to assure the audience that George McAneny, Borough President of Manhattan, would be found voting in accord with his pre-election pledges and the pledges of his campaign platform when the question finally came up for decision.

For the other Borough Presidents, Mr. Mitchell furnished himself with quoting from the fusion platform of the last city campaign, and then turned all his attention to the stand taken by Mayor Gaynor.

What Gaynor Said Before Election.
"He became a candidate," he said, referring to the Mayor, "and one night after having with great difficulty found his way to Tammany Hall he said, in referring to the Interborough company: 'By the eternal, if Mr. Moore and Mr. Galvin and myself are elected, and come into the Board of Estimate, by the eternal, they never will get their clutches into the building of subways.'"

The audience howled with glee at these